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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/057,861	04/09/98	SACHS H	12172004530

LM51/0107

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EXAMINER
VU, V

ART UNIT	PAPER NUMBER
2758	11

DATE MAILED: 01/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/057,861	04/09/98	SACHS H	12172004530

LM02/1213

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EXAMINER	
VU, V	
ART UNIT	**PAPER NUMBER**
2758	

DATE MAILED: 12/13/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/057,861	Sachs
Examiner	**Group Art Unit**
V. Vu	2758

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE —3— MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on 10/4/99.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 9-105 is/are pending in the application.

Of the above claim(s)_____ is/are withdrawn from consideration.

☐ Claim(s)_____ is/are allowed.

☒ Claim(s) 9-105 is/are rejected.

☐ Claim(s)_____ is/are objected to.

☐ Claim(s)_____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on_____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on_____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number)_____.

☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

*Certified copies not received:_____.

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8, 9

☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other_____

Office Action Summary

DETAILED ACTION

1. This office action responds to applicant second preliminary amendment filed 10/4/1999. Claims 9-105 are pending.

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

3. The continuation data in the first page of the specification is missing. Correction is required. Applicant is also required to provide serial number for copending application cited in page 4 of the specification.

Non-Art rejections:

4. The following non-statutory double patenting rejection is based on a judicially created doctrine grounded in public policy so as to prevent the unjustified or improper timewise extension of the right to exclude granted by a patent. In re Sarett, 327 F2.d 1005, 140 USPQ 474 (CCPA 1964); In re Schneller, 397 F2.d 350, 158 USPQ 210 (CCPA 1968); In re White, 405 F2.d 904, 160 USPQ 644 (CCPA 1969); In re Thorington, 418 F2.d 528, 163 USPQ 644 (CCPA 1969); In re Vogel, 422 F2.d 438, 164 USPQ 619 (CCPA 1970); In re Van Ornam,

686 F2.d 937, 214 USPQ 761 (CCPA 1970); In re Longi, 759 F2.d 887, 225 USPQ 645 (Fed. Cir. 1985); and In re Goodman, 29 USPQ 2d 2010 (Fed. Cir. 1993).

A timely filed terminal disclaimer in compliance with 37 C.F.R. § 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R. § 1.78(d).

5. Claims 9-105 are rejected under the judicially created doctrine of double patenting as being unpatentable over prior U.S. Patent No. 5,794,003.

The subject matter recited in claims 9-105 of the patent application is fully disclosed in the patent. The allowance of these claims would extend the rights to exclude already granted in claims 1-33 of the patent. Furthermore, there is no apparent reason why applicant was prevented from presenting the claims in the application for examination during the prosecution of the issued patent.

Art Rejections:

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. Claims 49-60, 62-64, 75, 77-78, 92-105 are rejected under 35 U.S.C. § 102(b) as being clearly anticipated by Ishikawa et al, hereafter Ishikawa, U.S. pat. No. 5,333,280.

Ishikawa discloses a method and system for issuing a group of instructions in parallel comprising:

(a) a memory (1, fig. 1) for storing in parallel a plurality of instructions and instruction grouping information determined by a compiler (see col 1, lines 21-47), the instruction grouping information (including instruction types and memory tags) indicating which instructions belong to a first group of instructions and also indicating other instruction can be issued after the first group of instructions (see col 10, lines 23-62),

(b) means (2, fig. 1) for issuing the first group of instructions,

(c) means (33, 34, 35, 36, fig. 1) for coupling instructions in the first group of instructions to appropriate instruction pipelines (see col 6, lines 41-59).

As to claims 59-60 and 77-78, it is noted that the opcode is used as pipeline identifier for issuing instructions to appropriate pipelines.

8. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
>
> Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

9. Claims 61, 65-66, 71-74, and 79-91 are rejected under 35 U.S.C. § 103 as being unpatentable over Ishikawa and further in view of Rustad et al, hereafter Rustad, U.S. pat. No. 5,442,760.

Ishikawa's teachings are still applied as discussed above. Ishikawa does not teach a crossbar switch. The use of a crossbar switch for routing multiple instructions to appropriate pipelines

is well-known in the art as disclosed by Rustad (see Rustad's fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a crossbar switch in Ishikawa for routing multiple instructions to various specialized pipelines because it would have increased the instruction issue rate (see Rustad's col 5, lines 57-60).

10. Claims 9-48, 67-70 and 76 are not rejected on art.

Conclusion:

11. The references cited by the examiner on PTO-892 but not relied upon are considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is (703) 305-9597. The examiner can normally be reached on Monday through Friday from 8:00am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

VIET D. VU
PRIMARY EXAMINER

Art Unit 2758
12/6/99